



W.P.No.33300 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

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C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33300 of 2025

S.Rajamani

... Petitioner

Vs

1.The Thasildar,
Nagapattinam Taluk
Nagapattinma & District.

2.S.Sumathi
3.S.Renugadevi
4.S.Senthilkumar
5.S.Anusiyadevi
6.S.Dhineshkumar
7.S.Sureshkumar
8.S.Suganthi
9.S.Santhakumar
10.S.Sathyapriya

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the 1st respondent herein made in Eoffice:2825396 dated 09.01.2025, quash the same and consequently direct the respondent herein to issue Second Class legal heir Certificate of late S.Sundarrajan.



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For Petitioners : Mr.M.Thamizhavel
For Respondents : Mr.P.Neelakandan,
Additional Advocate General
Assisted by M.Rajendiran,
Additional Government Pleader
For R-1

ORDER

Assailing the impugned order passed by the 1st respondent herein, the present Writ Petition has been filed.

2. Mr.R.Neelakandan, learned Additional Advocate General takes notice on behalf of the 1st respondent.

3. Since, no adverse order is being passed as against the respondents 2 to 10, notice to respondents 2 to 10 is dispensed with.

4. It is the case of the petitioner that the petitioner being the second wife of her late husband namely S.Sundarrajan, had applied for issuance of legal heirship certificate in respect of her deceased husband before the 1st respondent/Tahsildar, however, the said claim was rejected by the 1st respondent vide the present impugned order dated 09.07.2024 stating that the marriage between the petitioner and her husband viz., S.Soundarrajan seems to have performed when the first marriage of said Soundarrajan with the petitioner's elder sister viz., Chellammal was subsisting. Aggrieved with which, the



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petitioner has come up with the present Writ Petition.

WEB COPY 5. Learned counsel for the petitioner submitted that the impugned order of the 1st respondent is non-est in law as the said order has come to be passed without considering the fact that the first wife of said Soundarrajan is none other than the elder sister of the petitioner herein and that the marriage between the petitioner and her husband was performed only with the consent of the first wife. Further, there is no rival claim on the part of the children of the first wife for issuance of legal heirship certificate in favour of the petitioner. Accordingly, he prayed for quashment of the order impugned in this Writ Petition.

6. Per Contra, learned Additional Advocate General appearing for the 1st respondent while defending the impugned order submitted that in view of G.O.Ms.No.478, Revenue & Disaster Management Department, dated 29.09.2022 which came to be issued based on the judgment passed by the Hon'ble Full Bench of this Court, the Tahsildar has no power to issue Legal heirship certificate. The proper course open for the petitioner would be to approach the competent civil court.

7. This Court heard the learned counsel appearing on either side and peruse the materials available on record.



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8. As rightly pointed out by the learned Additional Advocate General, as per G.O.Ms.No.478, Revenue & Disaster Management Department, dated 29.09.2022 which came to be issued pursuant to the judgment passed by the Hon'ble Full Bench of this Court, the Tahsildar has no powers to issue Legal heirship certificate in respect of class II legal heirs. However, in the present case, though the petitioner herein claims to be the second wife of her deceased husband as the marriage between them said to have been performed while the first marriage of her husband was subsisting, unless the petitioner establishes her legal heirship status in respect of her deceased husband in the manner known to law, the petitioner cannot be entitled to claim the aforesaid relief since all those issues can be agitated only before the competent civil court. However, it is open to the petitioner to approach the competent civil court to work out her remedy in the manner known to law.

9. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

03.09.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs



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To
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The Thasildar,
Nagapattinam Taluk
Nagapattinma & District.



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M.DHANDAPANI, J.

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